



*Frank W. Volk*  
Frank W. Volk, Chief Judge  
United States Bankruptcy Court  
Southern District of West Virginia

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

IN RE:  STACIE ANN DOSS,  Debtor.	CASE NO. 3:16-bk-30146  CHAPTER 7  JUDGE FRANK W. VOLK
STACIE DOSS,  Plaintiff,  v.  WELLS FARGO BANK, N.A.,  Defendant.	ADVERSARY PROCEEDING NO. 3:16-ap-3010

**MEMORANDUM OPINION AND ORDER GRANTING MOTION TO AMEND  
AND DENYING PARTIAL MOTION TO DISMISS WITHOUT PREJUDICE**

Pending is the partial motion to dismiss filed by Defendant Wells Fargo Bank, N.A. [Dckt. 8] and Plaintiff Stacie Doss' motion to amend the complaint [Dckt. 11].

The motion to dismiss was filed on September 2, 2016. The motion to amend was filed September 16, 2016. Federal Rule of Civil Procedure 15(a)(1)(B), made applicable by Federal Rule of Bankruptcy Procedure 7015, provides as follows:

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

. . . .

(B) . . . . 21 days after service of a motion under Rule 12(b) . . . .

Fed. R. Civ. Proc. 15(a)(1)(B). Inasmuch as Ms. Doss moved to amend within 21 days of the motion to dismiss, she may amend as of right. It is, accordingly, **ORDERED** as follows:

1. That the motion to dismiss be, and hereby is, **DENIED WITHOUT PREJUDICE**;

2. That the motion to amend be, and hereby is, **GRANTED**; and
3. That the proposed amended complaint be, and hereby is, filed today.

The Clerk is directed to transmit this written opinion and order to those counsel and parties in the case who are entitled to notice.